

Amendment to the Drawings:

The attached sheets of drawings include printed "prior art" legends as requested by the Examiner.

Attachment: Replacement Sheets (2 sheets)

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## REMARKS

Claims 1-7 were pending of which Claims 1-7 were rejected. Reconsideration is respectfully requested.

### Drawings

Figs. 1 and 2 were objected to as the "Prior Art" legend should not be handwritten. Applicant notes that Applicant has already filed replacement drawings with a typed "Prior Art" legend. A search of the image file wrapper from PAIR indicates that this was received by the OIPE on December 10. Nevertheless, another copy of Figs. 1 and 2 with type "Prior Art" legend is attached hereto for the Examiner's convenience.

### Claim Rejections – 35 U.S.C. §103

Claims 1-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent No. 5,854,792 issued to Konishi et al ("Konishi") in view of US Patent No. 6,658,015 issued to Merchant et al. ("Merchant"). Reconsideration is respectfully requested.

In the Response to Arguments section of the Office Action, the Examiner noted in section (a) that elements 5a-n in Figs. 1 and 3 connect a number of LANs or a number of WANs together. The Examiner stated that "it would have been obvious ... to interpret the network-to-network connection as disclosed by Konisha, as a LAN to WAN connection." Applicant respectfully disagrees. Konishi clearly states a "The network comprises LANs 1a, 1b, 1c, 1d, 1e as networks, and a network connection apparatus 2 which connects the LANs to each other. Alternatively, the network may comprise WANs (Wide Area Networks). Col. 5, lines 1-4. Despite admitting that it is not explicitly disclosed and therefore requires an obviousness type rejection, the Examiner has failed to provide a suggestion or motivation, either explicit or implicit within Konishi, that the network connection apparatus 2 may connect a LAN to a WAN. Moreover, Applicant's attorney is not aware of such a suggestion or motivation within Konishi.

In section (b) of the Response to Arguments of the Office Action, regarding "changing input/output ports according to a required transporting path, thereby performing said communication between said LAN and said WAN", the Examiner states that the limitation is "already discussed in the rejection of claim 1, wherein Konisha discloses a route control section which designates the destination and sender network (path) of the transmission frame

(Col. 10 lines 4-16).” Applicant notes however, that in the rejection of Claim 1, the Examiner stated “Konishi et al. (U.S. Patent No. 5854792) also does not teach a central processing unit ... to change said input/output ports according to a required transporting path” and relies upon Merchant for teaching this limitation. (See, page 3, paragraph 3 of the current Office Action).

Applicant notes that in section (d) of the Response to Arguments of the Office Action, the Examiner addresses “processing packets stored in the memory device, and organizing the medium access units to change the input/output ports according to a required transporting path”, which overlaps the Examiner’s discussion in section (b), making it extremely difficult to understand the basis of the Examiner’s rejection. The Examiner stated in section (d) that the limitation is discussed in the rejection of Claim 1, “wherein Merchant discloses a CPU (COL 10 lines 1-5) connected to an internal rules checker (IRC) which includes an address table (memory) as disclosed in Col. 9 lines 15-31.”

It is unclear to Applicant what the basis of the Examiner’s rejection is. Clarification is respectfully requested. Nevertheless, the Applicant will respond to both possible interpretations of the Examiner’s rejection, i.e., that the limitation is not found in Konishi but is found in Merchant, and that the limitation is found in Konishi.

Assuming that the Examiner is still relying on Merchant as disclosing the “central processing unit (see element 32 in Fig. 1) electrically connected between said memory device and said medium access control units for processing said packets stored in said memory device, and organizing said medium access control units to change said input/output ports according to a required transporting path, thereby performing said communication between said LAN and said WAN, as disclosed in Col. 10, lines 1-5”, as stated at page 3, paragraph 3 of the present Office Action, Applicant respectfully disagrees. Merchant teaches that the “multiport switch 12 contains a decision making engine 40 that performs frame forwarding decisions.” Col. 4, lines 21 to 34. Because the engine 40 in the multiport switch 12 performs the frame forwarding decisions, the CPU 32 in Merchant is not “processing said packets stored in said memory device, and organizing said medium access control units to change said input/output ports according to a required transporting path” as recited in Claim 1.

Moreover, according to the Examiner’s interpretation of Merchant, “a CPU (Col 10 lines 1-5) [is] connected to an internal rules checker (IRC)” and “the IRC [makes] forwarding decisions that involve assigning a port (Col 11 lines 12-36)”. Thus, by the Examiner’s own

interpretation, the CPU does **not** “organiz[e] said medium access control units to change said input/output ports according to a required transporting path” as recited in Claim 1.

Assuming that the Examiner is relying on the route control section 10b in Konishi described at Col. 10, lines 4-16, as disclosing a “central processing unit ... for processing said packets stored in said memory device, and organizing said medium access control units to change said input/output ports according to a required transporting path”, as stated at page 9, first paragraph of the present Office Action, Applicant again respectfully disagrees. There is **no** disclosure in Konishi that the route control section 10b is a central processing unit. Moreover, there is **no** disclosure in Konishi that the route control section 10b processes the packets stored in said memory device as recited in Claim 1.

In section (c) of the Response to Arguments of the Office Action, regarding the buffer device”, the Examiner stated that the limitation “is already discussed in the rejection of claim 1, wherein Konisha discloses a number of buffer devices (elements 17a-n) for receiving data (Col. 7 lines 47-51). Applicant points out that, as noted by the Examiner, Konishi discloses a plurality of buffer devices (elements 17a-n), while Claim 1 recites only one “buffer device for accessing packets”. This is further clarified in the limitation that states “a plurality of medium access control units corresponding to said input/output ports and electrically connected between said buffer device and said input/output ports”. Konishi does **not** disclose such a buffer device.

Section (d) of the Response to Arguments of the Office Action is discussed above.

In section (e) of the Response to Arguments of the Office Action, the Examiner provides a new motivation to modify Konishi with Merchant, e.g., to be able to receive and transmit data frames to the appropriate destination, higher throughput, and allow multiple frames to be processed simultaneously. Applicant submits that the Examiner is still relying on hindsight for the combination of Konishi with Merchant. The Examiner’s statements for the motivation to combine the references are provided from the Background and Summary sections of Merchant and are not related to why one of ordinary skill in the art would combine Merchant with Konishi in the manner suggested by the Examiner.

Applicant notes that the Examiner’s Response to Arguments failed to address the lack of “a plurality of medium access control units corresponding to said input/output ports and

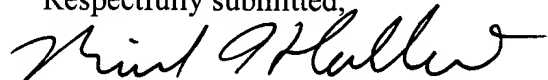
electrically connected between said buffer device and said input/output ports for performing an accessing operation between said buffer device and said input/output ports” in both Konishi and Merchant. The rejection of Claim 1 relies only on Merchant for this limitation. Applicant submits, however, that Merchant, discloses a “media access control (MAC) module 20 that transmits and receives data packet to and from 10/100 Mb/s physical layer (PHY) transceivers 16 via respective shared media independent interfaces (MII) 18.” Thus, Merchant teaches that only one media access control module is connected to a plurality of input/output ports. Accordingly, Merchant fails to teach or suggest “a plurality of medium access control units corresponding to said input/output ports” as recited in Claim 1.

Thus, Applicant respectfully submits that independent Claim 1 is patentable over the combination of Konishi and Merchant, as neither reference alone or combined teach all the limitations of Claim 1. Moreover, there is no motivation to combine Merchant with Konishi. Reconsideration and withdrawal of this rejection is respectfully requested. Claims 2-7 depend from Claim 1 and are, therefore, likewise patentable.

Claims 1-7 remain pending. For the above reasons, Applicants respectfully request allowance of Claims 1-7. Should the Examiner have any questions concerning this response, the Examiner is invited to call the undersigned at (408) 982-8202.

**Via Express Mail Label No.  
EV 652 161 509 US**

Respectfully submitted,



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